

REMARKS/ARGUMENTS

Applicants respectfully request further examination and reconsideration in view of the above amendments and the arguments set forth fully below. Previously, claims 1-30 were pending in this application. In the Office Action mailed September 27, 2004, claims 1-30 were rejected. In response, Applicants have amended claims 1-4, canceled claims 5 and 8-13, and submitted new claims 31-36 and submitted the following remarks. Accordingly, claims 1-4, 6-7 and 14-36 are pending following this amendment. Favorable reconsideration is respectfully requested in view of the above amendments and the remarks below.

Rejections Under 35 U.S.C. § 112

Claim 1 stands rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, within the Office action it states that the limitation “substantially planar” is unclear to the Examiner. The Applicants respectfully traverse the rejection on the basis of Section 112. To clarify the meaning of the limitation “substantially planar” the Applicant refers the Examiner to the plain meaning of the terms “planar” and “substantial.” According to The Random House Unabridged Dictionary, Second Edition, “planar” means “of or pertaining to a geometric plane.” The same source defines a “geometric plane” as a “surface generated by a straight line moving at a constant velocity with respect to a fixed point.” The Applicant submits that “planar” means “two-dimensional.” The above-referenced source further defines “substantial” as “of or pertaining to the essence of a thing.” Thus the limitation “substantially planar,” as defined by the above-referenced source, means “basically two-dimensional.” The term “substantial” allows for the device to have a finite thickness and accounts for the surface texture, the protrusion of buttons, a recess for a display screen and the like. The Applicant submits that in claim 1 and throughout the specification it is clear that “basically two-dimensional” should be taken to mean “having two relatively larger dimensions and one relatively smaller dimension.” On this reading, the meaning of the limitation “substantially planar” is clear. For at least this reason, the independent claim 1 is allowable under Section 112.

Discussion of Prior Art

Claims 1-13 stand rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent Publication No. 2002/0102946 to San Giovanni (hereinafter San Giovanni). Claims 14-30

stand rejected under 35 U.S.C. §103(a) as being unpatentable over San Giovanni in view of United States Patent No. 6,658,272 to Lenchik et al. (hereinafter Lenchik).

San Giovanni discloses a modular two-body design for integration of mobile computing device features with a wireless communication device. In addition, San Giovanni discloses an electronic device 100 comprising a.) a first substantially planar information input/output device further comprising a display 108 and a first interface 116; b.) a second substantially planar handheld wireless communication device further comprising a second interface 110 wherein the information input/output device and the wireless communication device are rotatably joined by a pivot 114 whereby they each have a coaxial axis of rotation perpendicular to their respective planes; wherein in a first position the second interface is obscured by the information input/output device and in a second position the second interface is exposed. Further, in paragraph 0032, San Giovanni discloses the presence of triggers in the device 100 “providing functionality to activate the display 108 or various output images on the display 108.” In paragraph 0028 San Giovanni discloses sensitivity of the display 108 to the orientation of the display 108 with respect to the second interface 110. Particularly, the display 108 modifies its output images so that they are properly oriented for a user of the second interface 110. San Giovanni does not teach sensitivity of the input functionality of the interfaces 116 and 110 to their relative positions, only sensitivity of the output of the display 108.

Lenchik discloses a self-configuring multiple element portable electronic device. The device of Lenchik comprises a display element 120 mounted to a first panel 104, an input element mounted to a second panel 106, and a camera lens 129 mounted to the same side of the first panel 104 as the display element 120. Thus, the device of Lenchik only allows for two positions: a first position where the display element, the input element and the camera lens are all obscured; and a second position where all are unobscured. Lenchik does not teach a device configurable so that only the display, a first interface and the camera lens are unobscured while a second interface is substantially obscured.

Rejections under 35 U.S.C. § 102(e)

Claims 1-13 stand rejected under 35 U.S.C. §102(e) as being anticipated by San Giovanni. By the above amendment, the Applicant has amended claims 1-4 and canceled claims 5 and 8-13, claims 6 and 7 stand as originally submitted. Claim 1 has been amended to incorporate some limitations from claims 1-4, the full scope of claim 5 and further limitations. The amended claim 1 describes a device comprising a first panel further comprising a first interface and a display, the

device further comprising a second panel comprising a second interface; the two panels are rotatably joined through a single axis of rotation perpendicular to the planes of the panels, wherein the device is configurable to a first and a second position, wherein the display is configured to respond to the first and second interfaces according to a first and second mode, wherein the first and second interfaces operate in the first mode when configured in the first position and operate in a second mode when configured in a second position. Thus, the device of the amended claim 1 comprises interface elements whose functionality is sensitive to their position relative to one another. As described above, San Giovanni does not teach sensitivity of the input functionality to the relative positions of a first and a second interface, only sensitivity of the output of a display. The amended claims 2-4 and 6-7 are dependent on the amended claim 1. As discussed above, the independent claim 1 is allowable over San Giovanni, accordingly claims 2-4 and 6-7 are also allowable. Accordingly, the Applicant requests favorable reconsideration of pending claims 1-4 and 6-7 over San Giovanni.

Rejections Under 35 U.S.C. § 103(a)

Claims 14-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over San Giovanni in view of Lenchik.

In particular, it is asserted within the Office Action that claims 14, 22, 23 and 24 are unpatentable in that “San Giovanni discloses a wireless telecommunications device comprising a.) a first panel (102) including a front side and a back side (108), wherein the front side further comprises a display and a telephone interface, the first panel having a first axis of rotation; b.) a second panel (104) including a keyboard (110), the second panel having a second axis of rotation, the second panel rotatably coupled to the first panel such that in a first position the keyboard is obscured by the first panel...and in a second position the keyboard is exposed...wherein in the first position an entry made on the telephone interface is displayed on the display and in the second position an entry made on the keyboard is displayed on the display...however, San Giovanni fails to specifically disclose a digital camera lens mounted to a surface of the back side of the first panel, such that in a first position the camera lens is obscured by the second panel, and in a third position the camera lens is exposed... Lenchik discloses a digital camera lens(29) mounted to a surface of the back side of a first panel(104), such that in a first position the camera lens is obscured by a second panel(106)...and in a third position the camera lens is exposed.” Within the Office Action, it is concluded that “it would have been obvious to a person of ordinary skill in the art at the time of the invention to improve San Giovanni by modifying a modular two-body design for integration of

mobile computing device features with a wireless communication device with a digital camera lens mounted to a surface of the back side of the first panel...as taught by Lenchik et al. for the purpose of creating a device that is intuitively simple to use.” The Applicant respectfully traverses this conclusion.

It is well settled that to establish a *prima facie* case of obviousness, three basic criteria must be met:

- 1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
- 2) there must be a reasonable expectation of success; and
- 3) the prior art reference, or references, must teach or suggest all the claim limitations. MPEP § 2143.

The burden of establishing a *prima facie* case of obviousness based on the teachings of San Giovanni and Lenchik has not been met within the Office Action.

There is no suggestion or teaching within the combination of San Giovanni and Lenchik which would lead to every claim limitation present in the current invention. Applicant submits that the present invention provides a wireless communications device comprising a display, a first interface, a second interface and a digital camera lens. Further, Applicant points out that the device of the present invention is configurable to three positions: a first position wherein the display and the first interface are unobscured, while the second interface and the camera lens are obscured; a second position where the display, the first interface, the second interface and the camera lens are all unobscured; a third position where the display, the first interface and the camera lens are all unobscured, while the second interface is substantially obscured. In the first position an entry made on the telephone interface is displayed on the display and in the second position an entry made on the keyboard is displayed on the display, thus the input functionality of the interfaces changes according to their relative positions. As described above, San Giovanni does not teach sensitivity of the input functionality to the relative positions of a first and a second interface, only sensitivity of the output of a display. Further, as also described above, Lenchik does not teach a device configurable so that only the display, a first interface and the camera lens are unobscured while a second interface is substantially obscured. Accordingly, the combination of Lenchik with San Giovanni fails to teach all the claim limitations of the present invention. Accordingly, the rejection

of Claims 14, 22, 23 and 24 based on the combination of San Giovanni and Lenchik is not proper and should be withdrawn.

The independent claim 14 is directed to a multi-function wireless communications device incorporating a first panel comprising a display and a first interface mounted to a first side and a digital camera lens mounted on a second side, and a second panel comprising a second interface. The device of claim 14 is further configurable to three positions: a first position wherein the display and the first interface are unobscured, while the second interface and the camera lens are obscured; a second position where the display, the first interface, the second interface and the camera lens are all unobscured; a third position where the display, the first interface and the camera lens are all unobscured, while the second interface is substantially obscured. As described above, San Giovanni in view of Lenchik does not teach a device configurable so that only a display, a first interface and a camera lens are unobscured while a second interface is substantially obscured. San Giovanni in view of Lenchik only discloses two of the three claimed positions, thus failing to teach or suggest all of the limitations of claim 14. For at least these reasons, the independent claim 14 is allowable over the teachings of San Giovanni in view of Lenchik.

Claims 15-30 depend from the independent claim 14. As discussed above, claim 14 is allowable over San Giovanni in view of Lenchik. Accordingly, claims 15-30 are also allowable as being dependent upon an allowable base claim.

New Claims

The new independent claim 31 describes an electronic device comprising a first and a second substantially planar panel, the first panel further comprising a telephone interface and the second panel further comprising a keyboard interface. Further according to claim 31, the first and second panels are joined such that they are free to rotate around an axis perpendicular to their planes, and free to assume a first position in which the second interface is obscured by the first panel and a second position in which the second interface is exposed.

As discussed above, the prior art of San Giovanni discloses a mobile computing device coupled to a wireless communication device, the mobile computing device having a first interface and the wireless communication device having a second interface. The two devices are rotatable with respect to one another; however, in a first position, the second interface (of the wireless communication device) is obscured and in a second position the second interface is exposed. In contrast, the present invention, as described in claim 31, is directed to a device in which a telephone interface is always exposed and a keyboard interface is optionally exposed. San

Giovanni and the present invention disclose distinct structures which correspond to remarkably distinct functionality. Further, a reasonably skilled practitioner of the art would not conceive the present invention in view of San Giovanni because the advantages of the present invention are not suggested in San Giovanni. For at least these reasons, the independent claim 31 is allowable over San Giovanni.

New claims 32-36 depend from the independent claim 31. As described above the new independent claim 31 is allowable over San Giovanni. Therefore, claims 32-36 are allowable as being dependent upon an allowable base claim.

For these reasons, Applicants respectfully submit that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
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CERTIFICATE OF MAILING (37 CFR § 1.8(a))

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